

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 KWASNIEWSKI, et al.,)

Case No. 2:12-cv-00515-GMN-CWH

5 Plaintiffs,)

6 v.)

7 Sanofi-Aventis U.S., LLC, et al.,)

ORDER

8 Defendants.)
9 _____)

10 Presently before the Court is Plaintiffs' *ex parte* letter, received in chambers on December 13,
11 2017. A copy of this letter is attached to this order.

12 In its previous order (ECF No. 267), the Court granted in part Defendant's motions to
13 compel, in which Defendant requested production of records of Plaintiffs' therapy sessions. Plaintiff
14 had previously produced these records, but only with significant redactions. After a hearing on this
15 matter, Plaintiffs provided the unredacted records for *in camera* review. Upon review, the Court
16 found portions of the unredacted records were relevant and proportionate to the needs of the case.
17 The Court ordered that the relevant portions of the unredacted records would be filed on the docket,
18 under seal, along with a copy of the redacted version previously provided to Defendant. The Court
19 has retained a copy of the original, unredacted records in chambers.

20 In Plaintiffs' letter, they request that the Court refrain from providing the newly unredacted
21 records to Defendant until they have had a chance to review them and decide whether to file a
22 motion for reconsideration or seek some other protection. Plaintiffs represent that Defendant does
23 not object to their request.

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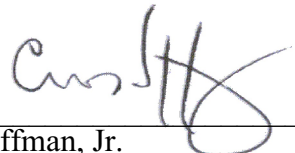
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1 IT IS THEREFORE ORDERED that the Clerk shall serve Plaintiffs with a copy of the
2 original redacted records (ECF No. 268) and a copy of the newly unredacted records (ECF No. 269).

3 IT IS FURTHER ORDERED that Plaintiffs must serve the above records on Defendant, or
4 make a timely motion for reconsideration or other appeal of the Court's order (ECF No. 267).

5 DATED: December 13, 2017

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8 
C.W. Hoffman, Jr.
United States Magistrate Judge

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December 13, 2017

Via Hand Delivery
Hon. C. W. Hoffman, Jr.
United States Magistrate Judge
District of Nevada
333 Las Vegas Blvd. South
Las Vegas, NV 89101

Re: Kwasniewski v. Sanofi
Case No. 2:12-cv-00515-GMN-CWH
Order (ECF 267)

Dear Judge Hoffman,

We have received your Order regarding production of Taylor's records. By this letter we are requesting you provide Plaintiffs' counsel with a copy of the records you have ordered produced, prior to providing Defendant a copy of those records, so that we may determine whether further protection should be sought from the district court, by a motion for reconsideration, or some other method. We would appreciate having seven (7) days from receipt of the records you have ordered produced to review the records, discuss them with our client, and seek additional relief if we believe the circumstances so dictate. In the event we do not file something seeking further relief from this order within seven (7) days, the records can then be produced to Sanofi.

Obviously, once the records are produced, Taylor's privilege is lost. We believe this issue is serious, personal, and important. Delaying the production of these records for an additional seven (7) days from the date we receive them creates no hardship to Defendant.

Prior to drafting this request, I spoke with Sanofi's counsel, Rosa Solis-Rainey, Esq. I explained my concerns to Ms. Solis-Rainey and my desire to send this letter to the Court. Ms. Solis-Rainey advised me she has no objection (a) to my sending this letter to the court, (b) the court providing Plaintiffs' counsel the records before the records are provided to Defendant Sanofi, (c) the court allowing Plaintiffs' counsel seven (7) days from receipt of these records to seek relief, if Plaintiffs so desire, and (d) in the event Plaintiffs have not sought further relief

Hon. C. W. Hoffman, Jr.
United States Magistrate Judge
December 13, 2017
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from production of these records, they are to be provided to Ms. Solis-Ramsey immediately at the expiration of this seven (7) day time period.

Accordingly, Plaintiffs respectfully request to have seven (7) days from receipt of the records you have ordered produced to review the records, discuss them with our client, and seek additional relief if we believe the circumstances so dictate, and to produce them to Ms. Solis Ramsey at the expiration of this seven (7) day time period if further relief is not sought by Plaintiffs.

Thank you for your time and consideration.

Sincerely,

ECKLEY M. KEACH, CHTD.

Eckley M. Keach, Esq.

EMK/vam
cc: Rosa Solis-Rainey, Esq.
Eric Swan, Esq.